

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM C. DUFFELMEYER,

Plaintiff,

-v-

STEPHEN MALFITANO, et al.,

Defendants.

Case No. 07-CV-11352 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

In a letter dated January 23, 2008, Defendants requested a pre-motion conference to seek leave to move to dismiss the Complaint. On March 3, 2008, the Court endorsed Defendants' letter, setting such a conference for March 19, 2008 at 10:45 a.m. The endorsed letter was docketed on the Court's Electronic Case Filing system ("ECF") on March 5, 2008.

Steven Jay Harfenist, Esq., is listed as Defendants' counsel of record on ECF, and therefore Mr. Harfenist is presumed to have received e-mail notice of the Court's letter endorsement of March 3, 2008. In addition, the Court's ECF procedure makes it the duty of an attorney to regularly monitor the docket sheet in open case. Nevertheless, on March 19, 2008, at 10:45 a.m., Kim Berg, Esq., counsel for Plaintiff, appeared before the Court for the pre-motion conference that had been requested by Mr. Harfenist, but Mr. Harfenist was absent. It is therefore

ORDERED that Steven Jay Harfenist, Esq., shall show cause by no later than March 28, 2008, as to why he should not be ordered to pay the reasonable fees and expenses incurred by Plaintiff's counsel in attending the conference of March 19, 2008.

SO ORDERED.

Dated: March 24, 2008
White Plains, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE